

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN RE: ARC AIRBAG  
INFLATORS PRODUCTS  
LIABILITY LITIGATION

MDL No. 3051

Case No: 1:22-MD-3051-ELR

District Judge Eleanor L. Ross

**DEFENDANTS’ NOTICE OF SUPPLEMENTAL AUTHORITY**

The undersigned Defendants, by counsel, hereby bring to the Court’s attention a Memorandum issued by the National Highway Traffic Safety Administration (“NHTSA”) published on December 18, 2024<sup>1</sup> (the “Memorandum”) for the Court’s information and consideration, a true and correct copy of which is attached hereto as Exhibit A.

As the Court is aware, Plaintiffs’ Corrected Consolidated Amended Complaint (“CCAC”) relies almost entirely on NHTSA’s self-described “tentative” conclusion in April 2023 that a defect exists in certain airbag inflators manufactured by ARC Automotive, Inc. (the “Tentative Conclusion”). *See* Notice of NHTSA’s Initial Decision (Dkt. 165). Plaintiffs further expressly cite NHTSA’s non-final

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<sup>1</sup> Although published on December 18, 2024, the Memorandum is dated December 13.

Supplemental Initial Decision as a basis to deny Defendants’ pending motions to dismiss. *See* Dkt. 267 at 2.

In the Memorandum dated December 13, NHTSA announces that in response to public comments submitted in response to its Supplemental Initial Decision, NHTSA has decided that “further investigation is warranted.” *See* Exh. A. Prior to making a Final Decision, NHTSA has deemed it necessary to investigate, among other things: “technical and engineering differences between the inflators as incorporated into the manufacturers’ respective vehicles;” “process differences between the relevant plants and manufacturing lines;” and “design and specification differences between driver and passenger inflators.”

NHTSA further states that it will evaluate responses to forthcoming Information Requests on these and other subjects “to determine how to proceed,” and that “if appropriate,” it “will provide a further opportunity for public comment prior to considering whether to issue a final decision in this matter.” Exh. A.

Dated: December 20, 2024

Respectfully Submitted,

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